

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DANIEL R. MCMAHAN,
#35083-044,**

Plaintiff,

v.

**OFFICER BOLOCK, and
OFFICER FERGUSON,**

Defendants.

Case No. 23-cv-03699-SPM

ORDER OF DISMISSAL

MCGLYNN, District Judge:

On October 10, 2023, Plaintiff Daniel McMahan commenced this action by filing a Complaint in the Eastern District of Missouri alleging violations of his constitutional rights at Pulaski County Jail. (Doc. 1). The case was transferred to this district on November 15, 2023. Once transferred, Plaintiff was informed that he had 30 days to pay the filing fee of \$402.00 or submit a motion to proceed without prepayment of the filing fee (“motion to proceed IFP”). (Doc. 6). Plaintiff was warned that failure to pay the filing fee or submit a motion to proceed IFP would result in dismissal of this case without prejudice. Plaintiff failed to comply with the Court’s directive.

Plaintiff was also instructed to file the form indicating his consent to proceed before a magistrate judge or an affirmative declination to consent, and he has failed to do so. (Doc. 5, 7).

On December 21, 2023, the Court entered a Notice of Impending Dismissal. (Doc. 8). Plaintiff was again warned that this case would be dismissed if he did not comply with the Court’s directive regarding his filing fee and the consent form by January 11, 2024. The Notice was returned to the Court as undeliverable. (Doc. 10). To date, Plaintiff has failed to pay the filing fee,

file a motion to proceed IFP, submit his consent form, or update his address.

Therefore, this action is **DISMISSED** without prejudice for failure to comply with orders of this Court and for failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). The Clerk of Court is **DIRECTED** to enter judgment and close this case.

IT IS SO ORDERED.

DATED: January 18, 2024

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge